

## REGULAR MEETING

December 7, 1998

### CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, December 7, 1998 at 6:38 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, Wes Yuen, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Department Director Thomas Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, City Transportation Engineer Randy Wooley, City Engineer Terry Waldele, City Utilities Engineer David Winship, Project Engineer Jim Duggan, Building Official Brad Roast, Development Services Manager Irish Bunnell, and City Recorder Darleen Cogburn.

### CITIZEN COMMUNICATION:

There was no one who wished to speak.

### COUNCIL ITEMS:

Coun. Soth noted they had received a vision statement for Cities and Towns on Youth, Education and Families, which was distributed at the National League of Cities (NLC) Conference. He said there was a panel presentation where several young people were asked to say what their major concerns were. He reviewed their concerns and reported that one was establishing a place where young people could sit down and talk or "hang out." He said another concern was trying to make other people understand that young people who were on the street were not necessarily looking for trouble. He remarked that this was the first conference where the emphasis was on participation by young people in NLC activities and the current president and the incoming president were both very strong on that as well. He noted that if there was a way for the City to involve more young people in City activities it would be better. He said he spoke with young people at the conference and they all wished they had more opportunities for involvement with local political situations and the government. He expressed his interest in seeing what the City

could do to involve more youth and suggested a Youth in Government Day or government officials going to High Schools to talk with students. He said he would try to get the *Valley Times* to focus attention on the kids who accomplished tasks that were a credit to themselves and to the community.

Mayor Drake reported that the School District had an outreach program where students shadowed him and other members of the staff. He said they also went to the schools to make presentations to the students. He said many citizens did not fully understand what their local governments did and encouraged increased contact. He agreed with Coun. Soth that anything the City could do to encourage students to express their ideas and feelings would be useful.

Coun. Stanton noted that the following night would be the City Open House and everyone was welcome.

Coun. Brzezinski noted that she would not be at the Open House because in her role as Metropolitan Area Communications Commission (MACC) representative, she would be in Sherwood to listen to why Sherwood did not want to participate in MACC anymore. She said she wanted to publicly thank Irish Bunnell, Bill Roth, and Steve Brennen, who jumped to action for some neighbors who wanted to know how to remove their diseased trees. She reported the neighbors were very appreciative.

Coun. Yuen inquired about an upcoming meeting being hosted by the City on behalf of the Tobacco Free Coalition.

Mayor Drake said he had just received some informational material from the Cancer Society, but he was not sure if it would be the same information, as they would hear at an upcoming meeting.

#### STAFF ITEMS:

Linda Adlard, Chief of Staff, reported that the Lockheed Martin Company had purchased USPT, the Photo Radar company that the City utilized. She said Lockheed Martin was well known throughout the United States for their hand-held citation tool. She noted that there were some good things about being absorbed by a larger company. She suggested they find that a good deal of money would be put into their capital structure so some of the things the City requested, such as printing, should be done quickly. She said it would probably help with the City's Court system reengineering and going paperless. She said the City would continue to deal with the same staff people in San Diego, which was a separate division of Lockheed Martin.

#### PROCLAMATION:

Universal Declaration of Human Rights

CONSENT AGENDA:

Mayor Drake noted that AB 98-306 was pulled for separate consideration. He also noted that on AB 98-311 Staff inadvertently wrote Gramor Text Amendment instead of Gramor Map Amendment. He said that Mark Pilliod, City Attorney, had reviewed the agenda bill title and said it was acceptable.

Coun. Yuen MOVED, SECONDED by Coun. Brzezinski that the consent agenda be approved as follows:

- 98-306 Liquor License – New Seoul Garden: New Outlet (Pulled for separate consideration.)
- 98-307 VAR 98010 M.R.S. Properties Mixed Use Development
- 98-308 CUP 97010/TPP 97010 Waterhouse South #6
- 98-309 CUP 98013 Clare Bridge Residential Care Facility
- 98-310 RZ 980016 Gramor Map Amendment
- 98-311 CPA 98016 Gramor Text Amendment (Map instead of Text Amendment)
- 98-312 Traffic Control Board Issues 398 Through 400
- 98-313 Traffic Enhancement Program Phase 1 Project Selection
- 98-314 Canyon Lane Sanitary Sewer Relocation - Camelot-Sylvan Interchange Project
- 98-315 Bid Award – Movable Wall (Hinged Panels) Between Council Chambers and Conference Room
- 98-316 Bid Award – Floor Coverings for Operations Center Administration Offices, Hoffman Conference Room and Employee Lunch Room
- 98-317 Bid Award – Purchase One Backhoe Loader
- 98-318 Bid Award – Trailer-Mounted Valve Operator and Vacuum System

Contract Review Board:

- 98-319 Waiver of Sealed Bid – Purchase of Herman Miller Furniture From an Existing Bid Award Through the State of Oregon

Waiver of Sealed Bid – Purchase Seven Portable and One Truck Mount Two-Way Radios From An Existing Bid Award Through Washington County Consolidated Communications Agency

Waiver of Sealed Bid – Purchase of Portable Police Radios From an Existing Bid Award Through Washington County Consolidated Communications Agency

Ratification of CH2M Hill Contract for Engineering Services on the Greenway Pedestrian Bridge Replacement Project

Coun. Soth referred to Agenda Bills 98-320 and 98-321 and said he was Chair of the Washington County Consolidated Communications Agency Executive Board and the Board of Commissioners. He clarified that he had no financial interest and felt comfortable in voting.

Coun. Stanton referred to AB 98-312 and said the Photo Radar legislation with the State allowed the City two locations for Photo Radar monitoring. She noted Photo Radar was permitted in school zones and residential neighborhoods and wondered what Jack Young, Traffic Commission Chair, had been talking about in a revised portion of Traffic Commission minutes (in record). She expressed her concern that Photo Radar was being used on Hall Blvd., which she considered an arterial even though there was a budding residential zone on the east side. She questioned if that qualified as a residential neighborhood under the current legislation.

Coun. Stanton said she was also concerned about an area on Hall Blvd. where the speed was reduced from 40 mph to 30 mph without a “reduced speed ahead” sign. She commented that people should be made aware they needed to reduce speed within an approximate 25-foot distance.

Mayor Drake said they could add that signage and he would confer with staff to install an appropriate sign.

Adlard clarified that the legislation allowed a broader designation, which was school zones, residential zones and any zone the City Council determined had a safety factor. She said staff had not yet brought a safety factor list to Council. She reported that Portland had prioritized their list as construction zones, any emergency vehicle route, etc. She clarified that currently Photo Radar was only placed in what Beaverton determined was designated residential and school zones. She stated that the specific area Coun. Stanton was concerned about had been checked and was considered a residential zone.

Coun. Stanton commented that Hall Blvd. was an arterial.

Adlard explained that legislation did not say Photo Radar could not be on an arterial. She said the City’s intent (with Photo Radar) was to be more

into the neighborhoods, which included any area that was considered a residential zone. She noted that the City traffic engineers, along with police had specified that area as a residential zone.

Coun. Stanton explained that she was a major proponent of Photo Radar but she was concerned with it on arterials such as Hall Blvd. or Farmington Road. She wanted Photo Radar placement to stay to the letter of the law in residential neighborhoods and in front of schools until the staff came up with a prioritization plan.

Mayor Drake commented that Adlard said Hall Blvd was zoned residential on the east side of the street. He said there was a daycare center there and he had noticed several children on the east side of the street. He noted there were two churches on the west side of Hall as well as the library. He stated that under the circumstances (considering all of the potential child contact along there, and the fact that there was residential there), Photo Radar was appropriate at that location. He said the police had issued several tickets indicating drivers were not respecting the posted speeds in that area.

Coun. Stanton replied that at that location cars traveled at 40 mph and all of a sudden there was a 30 mph sign.

Mayor Drake said it sounded like Coun. Stanton was possibly implying entrapment and that was not the way the police worked.

Coun. Stanton said she was not implying entrapment, but inadequate signage on the east side of Hall going northbound.

Mayor Drake reiterated that he would address appropriate signage. He said as parent and an elected official, his concern was with all of the potential child contact along there. He stated that he could not see why Photo Radar would not be used in that area.

Mayor Drake asked Bishop what his experience had been in terms of where the radar unit had been set up, and what the real issues were along there.

David Bishop, Police Chief, reported that the criteria they used was speed and issues related to issues, but even more important was pedestrian traffic. He explained that Hall Blvd. was a very high-speed area, with heavy pedestrian traffic, particularly young people, and the pedestrians resided in that area.

Coun. Brzezinski agreed with Coun. Stanton that the Council needed the list of criteria. She recalled they agreed to keep it as it had been until the staff came up with a new list of criteria. She noted that heavy pedestrian traffic with a high percentage of children might well be a fine criterion, but

she thought the use of the van had been expanded beyond what Council said they wanted and without staff telling Council how they wanted it expanded. She reiterated that she would like to keep it as it was used before and she did not think that initially it would have been on Hall Blvd. She commented that if staff had come to Council with heavy pedestrian traffic and a high percentage of children as criteria she might have agreed to that. She said she would like to know what they were saying was a legitimate use of the van before the City started doing it.

Adlard stated that they had not expanded the locations since their discussion. She clarified that the Hall Blvd. location had been on the designated list since the beginning. She said if Council did not want photo radar on arterials until the criteria could be discussed then that situation could be fixed. She stated that she did not want Council or the public to believe that staff had done anything other than the Council's direction.

Adlard noted that they took the allowed residential designations and said there were a number of original coded locations. She explained that it was somewhat difficult and time consuming to get the locations into the computer and it wasn't like an officer could make an instant decision about where to put the Photo Radar van. She informed Council that she did not know of any locations that did not fit the initial criteria. She said she would like to discuss criteria before going back to the legislature so she could clearly understand how Council would like Photo Radar operated.

Coun. Brzezinski asked if there were any other arterials on the list. She noted that she had not been as close to the legislation as others had, but in her mind she had thought it was truly the streets that went through neighborhoods as opposed to arterials.

Adlard reported that there were other arterials, and agreed they had said in the beginning that Photo Radar would not be on arterials, but deep within neighborhoods for cut through traffic, safety of school children, and the elderly out on walks. She explained that when they went to a regular program after the last legislative session, they took the residential arena and included everything residential as a possibility.

Coun. Brzezinski said she understood that, and recalled that Council had said they did not want it to be expanded beyond the pilot project until staff came back and reported to Council how it should be expanded.

Adlard said they clearly understood that, and (in her view) they had not expanded that beyond what Council had authorized in the pilot project.

Mayor Drake commented that Allen Blvd. was an arterial that qualified in two areas: 1) it was residential on both sides, and 2) there were school crossings at Wilson and Menlo. He noted that Allen was the highest

accident rated street in the City, and asked if Council was suggesting that Allen not have Photo Radar.

Coun. Brzezinski said Allen should be included because of the school crossings. She questioned if Allen was included in the pilot project, and if not why wasn't it done then, versus why it had Photo Radar currently. She pointed out that it was an equally high-accident area then.

Coun. Doyle said he had no problem with any of the locations and noted the Photo Radar on Hall Blvd. had been there for some time. He commented that he recalled discussion about expansion beyond the original study and felt comfortable that staff in the Police Department had followed that notion.

Coun. Yuen said he appreciated Coun. Stanton's comments. And recalled that when the Council "sold" Photo Radar to the citizens, they said it was going to be used in neighborhoods. He said that to him that did not mean arterials, but deep within neighborhoods. He said he was not inclined to expand it and was concerned that what had been promised was Photo Radar in neighborhoods. He remarked it was a finite resource and if it was on Hall Blvd. it was not in a neighborhood catching people speeding. He said as a priority it always belonged in the neighborhoods, and explained that was partly because that was where it should go, and partly because that was where the City told people it would go.

Mayor Drake pointed out that the mix of housing in the community was about 50/50 (half single-family and half multiple-family) and excluding Hall and Allen was limiting use, and making a statement that residential meant only if it was off of arterials. He noted that there were thousands of people living between the shopping center at Murray and Allen and down near the library at Hall. He said he did not think the Council was saying that those people didn't live on a residential street even though it was an arterial. He stated that there were thousands of citizens who lived along there and the City served them as well as those who lived in single-family homes. He noted that the 1997 Legislature authorized them to expand, but Bishop was waiting until Portland had completed their expansion. He reiterated that along Hall and Allen was zoned residential.

Coun. Soth said he agreed with much of what Coun. Stanton had said. He noted when they went to the Legislature, they said they wanted Photo Radar in residential neighborhoods. He reported that when he and others testified, they gave the impression that it was conventional neighborhoods as well as school zones where Photo Radar would be located. He clarified that state traffic laws indicate that any street with multiple driveways, and residences was considered residential area. He said several signs were needed on Allen Blvd., because of the reduced speed zone and also additional signage was needed south of Allen Blvd. for those people making left hand turns south onto Hall. He commented that if they were trying to modify driving habits, rather than using it for a revenue-producer, they needed adequate warning through better signage.

He stated that he had no problem with Photo Radar on Allen Blvd. because it was well posted all the way through as a 30 mph zone and had residences as well as school crossings.

Adlard remarked she wanted to be sure that the Council knew what they promised the legislature. She explained that each Councilor might have testified with a certain thought that they were representing, but the intent and explanation of the written documents that went to the legislature said that the City would put Photo Radar (initially under the pilot program) in an area that was zoned residential. She said the area actually had to have the designation "Residential." She explained that if the Council was uncomfortable with that, there were many areas deeper in the neighborhoods. She noted that Portland had adopted their list and their largest area of concern was industrial zones, although they were also concerned about school and residential zones. She informed Council staff would eventually like to recommend construction zones (most of which were on larger streets). She said she would be happy to come back before Council and for the months of December and January not have photo radar be on arterials.

Coun. Stanton remarked the actual statute required a uniformed officer standing next to a marked police car within 150 feet of a reader board to be used in school zones and on residential streets. She explained residential streets were a street classification as opposed to zoning designations. She said she did not know what the intent of the legislature was, but when she looked at "Residential" she assumed it was a street designation.

Coun. Doyle said he thought that signage had been discussed in that area for a long time and he did not want to retreat. He emphasized excessive speed was a dangerous situation, and they owed it to the people on Allen Blvd. to help them out.

Coun. Brzezinski pointed out that they were not voting on anything that night. She explained she wanted the list of criteria, and stated that whether it had expanded beyond the letter of the law or not, it had expanded beyond the spirit as the Council understood the law. She said she would like to see the rationale for putting Photo Radar on arterials, as opposed to just having it happen.

Mayor Drake said they would not bring it back next week. He said he heard from three Councilors that they did not want Photo Radar on arterials until the criteria could be discussed.

Coun. Stanton replied that was not what she was saying. She stated that to be on Hall and Farmington (outside of Photo Radar in front of Beaverton High School or Merle Davies), was tenuous at best. She said she would like the criteria to come forward, and if the Traffic Commission was concerned that Photo Radar was not in front of the school zones then maybe they needed more Photo Radar vans.



Mayor Drake noted that he was not sure why Jack Young, Traffic Commission Chair, made that comment and said he would ask Young about it at their next meeting.

Coun. Brzezinski stated that she thought Photo Radar should be on Allen at the school zones. She clarified that she had asked if it had been on there during the pilot period.

Mayor Drake said his experience was that people drove like maniacs on Allen Blvd., and whether it was an arterial or had residential on either side, the fact was there was high density population along there and children did not just cross at the school zones. He reported that Allen Blvd. had been a fairly productive spot for Photo Radar because people were driving too fast. He noted that he had seen the Photo Radar van placed at a sidewalk and at a school crossing.

Coun. Soth noted that his remarks were not intended to say they should not do it, but signage should be improved. He said he had no problem with Photo radar on Allen, and agreed with Coun. Brzezinski that criteria was needed for Council to review.

Coun. Yuen said he would be the one negative vote. He noted the impression he had been given and that he had given to others was that Photo Radar would be in neighborhoods. He explained he was concerned this would be another example where government lost its credibility because it allowed a program to be expanded more than it initially stated. He said he was also concerned they would spend their time on arterials and not in the neighborhoods and the school zones for which it was originally intended. He commented that if they chose to expand to arterials then they should acquire new equipment. He said in order to maintain the trust of the neighborhoods they needed to communicate to the citizens and tell them expansion was something new that the City was doing, that was beyond what they had originally planned. He noted that he had received a lot of negative comments when he explained Photo Radar and had explained that it would only affect residential neighborhoods and not arterials.

Mayor Drake expressed his apologies to Coun. Brzezinski if he misunderstood her meaning.

Coun. Doyle commented that if they were going to come forward with criteria he hoped it would include a summary of information comparing how the program had succeeded or not succeeded.

Coun. Stanton recalled a time approximately three years earlier when Council discussed the Street Tree Ordinance and she wanted to know which streets were included. She commented that she had slowed the

process down because she had wanted to know specific streets they were talking about. She said it had taken some time but she had received the information. She said the streets in the Photo Radar process needed to be delineated and those streets needed to go through the process (not unlike the process followed in the Street Tree Ordinance) so Council could determine which streets would have highest priority.

Coun. Yuen referred to AB98-308, CUP 97010/TPP 97010 Waterhouse South #6, and said he appreciated the staff's response to his comments. He noted he was troubled by one of the responses. He said the failure to adhere to a condition of approval for a previously approved project did not preclude the applicant from having the current project approved. He questioned at what point in time did the City say it did matter. He said it did not make sense to allow someone to build something and condition them to do something when they had already demonstrated they would not do that or had not done that in the past. He asked if the City ever said they would not allow someone not to do the same thing anymore.

Coun. Stanton said it reminded her of the Burntwood North Development where the developer sold his interest and had not done tree planting or pedestrian work for the other phases of the development. She explained the City held the new developer to the conditions of the previous development and the City should hold developers and builders responsible and liable for what they agreed to. She said she agreed with Coun. Yuen in that this was a "slippery" issue and at some point in time the developer could walk away and no one would get trees.

Joe Grillo, Community Development Director said if it was the Council's desire to authorize the Council (or the Mayor or the Director) to tie a violation which was currently outstanding, to any further land use action, then they should clarify that with a text amendment to the Development Code.

Grillo explained that the second point was that on one of the issues involved with Phase 5, there was debate about whether or not the developer was out from under the requirements. He reported that had been part of the argument with the developer's attorney. He explained the City handled street trees differently today than they did years ago and the issue with Phase 5 was still one of those residuals of attempting to get a bond. He noted that currently cash was required up front as part of a plat so this particular argument would not occur. He said there had been some changes in circumstances and staff agreed with Council that it needed to be resolved. He noted that it appeared there was a separate land use action that was before Council on Phase 6, and commented there was still recourse on how to do Phase 5, which would be to proceed to the courts.

Mark Pilliod, City Attorney, said he had no comments to add and if Council wanted to change Code to enable additional enforcement tools then he did not have anything to recommend. He clarified that it was distinguishable

from the Burntwood situation and recognized that they were two separate developments.

Coun. Yuen said he thought Council should introduce a Text Amendment with more teeth, because it was frustrating for the neighborhood when a developer who had not complied with previous land use decisions came forward with another development. He pointed out that the neighborhood had no confidence that the promises made by the developer or the conditions imposed on the developer would be enforced. He said it was part of the credibility for the entire process.

Coun. Stanton asked when an application came forward, if the Street Trees under the old system, was part of the Site Development Plan or part of what went through Planning or the Board of Design Review.

Irish Bunnell, Development Services Manager, said the Street Trees Plan was part of the final plat procedure and it was Development Services pre-site development permit and was under Facilities Review.

Coun. Stanton said it was a condition of development and asked if someone bought the development, would they accept the conditions, or could they reconfigure with a new plan.

Bunnell explained that they could reconfigure, but in this case they accepted the conditions and the developer was responsible to plant the Street Trees.

Coun. Soth said if it was a condition of development then Code Enforcement would be the appropriate enforcement tool.

Grillo said he would not disagree with any statements Council had made. He commented that whenever the City could get someone to comply and work through their objections or understand their objections and still get compliance that would be the best route instead of handing it over to the Chief of Staff or Code Enforcement. He explained that it appeared to staff that they had extinguished their line of reasoning as to how to get to the Street Tree issue, which was why they indicated in their response they would defer it to the City Attorney's office.

Coun. Stanton referred to AB98-322, and said she had received many phone calls asking if the bridge was going to be the same. She asked if the terminology "the same general type" meant the bridge would be exactly the same.

Mayor Drake explained that the engineering standards might or might not have changed since the bridge was last installed. He pointed out that the City was required by the Development Code to have the bridge engineered for the safety of the citizens. He commented the City could not just put

back the same bridge if for some reason the newest engineering standard required changes.

Coun. Stanton asked for that to be on the record, and suggested the bridge plan be brought before the Neighborhood Association Committee (NAC). She explained that citizens were quite concerned about the design and she needed some assurances or information as it came along.

Mayor Drake pointed out that parents of children using the bridge would be more upset if it collapsed if it was not engineered correctly. He suggested Coun. Stanton have more faith in staff that if it was going to be in some way considerably different they would come back and inform Council. He said Coun. Stanton could assure the neighbors that significant engineering design change information would be brought before Council.

Coun. Stanton said bridge collapse notwithstanding was not the issue, because the bridge got knocked down every 10 years anyway and did not have time to be there long enough to fall apart.

Coun. Doyle referred to AB98-322, and asked in the final analyses who would pay for the reconstruction.

Mayor Drake said the garbage company whose truck ran into the bridge would pay for reconstruction, minus depreciation.

Pilliod clarified that the garbage company and their insurer would pay, and the City should expect to collect the cost of replacing the bridge.

Mayor Drake said that had been his instruction to staff.

Coun. Doyle referred to AB98-312, and asked about removal of a pedestrian signal. He asked where that would it be stored.

Randy Wooley, Transportation Engineer, said a good bit of it would be reused for the flashing beacon in the intersection and the remaining parts would go into storage for reuse.

Question called on the motion (with AB 98-306 pulled for separate consideration). Couns. Brzezinski, Doyle, Yuen, Stanton and Soth voting AYE. Motion CARRIED Unanimously. (5:0)

98-306

Liquor License – New Seoul Garden: New Outlet (Pulled for separate consideration.)

Coun. Stanton explained that she wanted to craft the Recommended Action to include “subject to the restrictions of OLCC” in their draft memo dated November 9, 1998.

Coun. Stanton MOVED, SECONDED by Coun. Doyle that Council approve AB 98-306 Liquor License – New Seoul Garden: New Outlet based on the recommendation of the Chief of Police and subject to the restrictions stated in Exhibit 1, the November 9, 1998 draft memo from OLCC.

Question called on the motion. Couns. Stanton, Doyle, Brzezinski, Yuen and Soth voting AYE. The motion CARRIED unanimously. (5:0)

ORDINANCE:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinance embodied in AB 98-323 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Yuen, Brzezinski, Doyle, Soth and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

First Reading:

Pilliod read the following ordinance for the first time by title only:

98-323 An Ordinance Amending BC 2.03.034 Decreasing the Maximum Number of Board Members on the Beaverton Arts Commission

Second Reading and Passage:

Pilliod read the following ordinance for the second time by title only:

98-304 An Ordinance Amending Chapter Two of the Beaverton Code Relating to the Board of Construction Appeals. Amending Beaverton Code Sections 2.03.032, 2.03.034. 2.03.036 and 2.03.042

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB98-304 now pass. Roll call vote. Couns. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

OTHER BUSINESS:

Mayor Drake distributed information on Commuter Rail and verified with the City Recorder that a work session was scheduled for January 25, 1999.

Mayor Drake reported on the lawsuit between Washington County and the City of Tigard vs. Rogers Machinery on the TIF (Traffic Impact Fee) tax

and said it had gone in the County and City's favor. He said he thought Council would be interested and thought the City of Beaverton had a vested interest in the TIF ordinance even though it covered only 21% of projected costs, the fact was it was 21% the City would not have otherwise.

Mayor Drake acknowledged efforts of the Police Department in obtaining \$3000 for a Safety Belt Child Restraint/Child Safety Grant from the Oregon Association of Chiefs of Police. He thanked Bishop and his staff for getting the grant.

Coun. Doyle noted that in the *Oregonian* that tens of thousands of playpens had been recalled and in a ten-year history six children had died because of a fault with playpens. He commented that the paper did not have anyone saying kids needed to be properly seat-belted in cars.

Coun. Soth asked Bishop if the seat belt law specified child seats being improperly secured as an offense that could be cited.

Bishop said it would very clearly be a violation and he assured Council that the officers took it very seriously because of the accidents involved.

Pilliod noted that the *Oregonian* reported the City and Miller Sanitary argued the Sequoia Park case at LUBA the past week and a decision was not expected until next February.

Coun. Stanton asked if Cystics (Miller's Sanitary) had gotten a permit from Metro to be a transfer station, and if they did, could they bring in trucks from other companies.

Mayor Drake said the Council limited them to just their own trucks.

Coun. Stanton asked if Council prohibited them from buying other companies so they could not become the dominant garbage hauler.

Mayor Drake explained that Council limited tonnage on a daily basis.

ADJOURNMENT:

There being no further business to come before the council at this time, the meeting was adjourned at 7:48 p.m.

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Darleen Cogburn

APPROVAL:

Approved this 3<sup>rd</sup> day of May, 1999

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Rob Drake, Mayor